

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	09/525,021	KOBAYASHI ET AL.
	Examiner	Art Unit

Kevin M. Nguyen

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- This communication is responsive to 3/28/2005.
- The allowed claim(s) is/are 230-249 renumbered as claims 1-20.
- The drawings filed on 3/14/2000 are accepted by the Examiner.
- Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - All
  - Some\*
  - None
 of the:
  - Certified copies of the priority documents have been received.
  - Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

- A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
- CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
- DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- Notice of References Cited (PTO-892)
- Notice of Draftsperson's Patent Drawing Review (PTO-948)
- Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
- Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
- Notice of Informal Patent Application (PTO-152)
- Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
- Examiner's Amendment/Comment
- Examiner's Statement of Reasons for Allowance
- Other \_\_\_\_\_.

  
**XIAO WU**  
**PRIMARY EXAMINER**

Kevin M. Nguyen  
 Patent Examiner  
 Art Unit: 2674

***Request for Continued Examination***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 28, 2005 has been entered. An action on the RCE follows:

**REASONS FOR ALLOWANCE**

2. This office action is made in response to applicant's amendment filed on March 28, 2005. Claims 1-229 are cancelled, independent claims 230, 242, 244, 245, 246, 247 are amended, and dependent claims 231-241, 248, 243, 249 are previously prevented. Claims 230-249 are currently pending in the application.

3. Applicant's arguments, see pages 11 and 12, filed March 28, 2005, with respect to claims 230-249 have been fully considered and are persuasive. The rejection of Shaffer et al has been withdrawn.

4. Claims 230-249 are allowed.

5. The following is an examiner's statement of reasons for allowance:

Shaffer et al (US 6,050,690), the cited prior arts, alone or in combination, do not teach or fairly suggest "an apparatus for outputting position information corresponding to light having a cyclically varying intensity, said apparatus comprising: different signal generating means for generating, for each photoelectric conversion element, a different signal corresponding to a difference between an output of a photoelectric conversion

element when the light cycle is at a first point and an output of the same photoelectric conversion element when the light cycle is at a second point, the first point being at a higher intensity than the second point; threshold setting means for setting a threshold value on the basis of a level of said different signal obtained from each photoelectric conversion element."

These distinct features have been added to the independent claims 230, 242, 244, 245, 246, 247 and render the above limitations are allowable and along with other limitations as recited in the independent claims 230, 242, 244, 245, 246 and 247.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M. Nguyen whose telephone number is 571-272-7697. The examiner can normally be reached on MON-THU from 8:00-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick N. Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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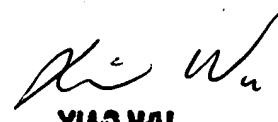
published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the Patent Application Information Retrieval system, see  
<http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the  
Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197  
(toll-free).

Kevin M. Nguyen  
Patent Examiner  
Art Unit 2674

KMN  
June 21, 2005



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PRIMARY EXAMINER